

Testimony of Kevin Ryan, Child Advocate for the State of New Jersey
Assembly Family, Women and Children's Services Committee
May 6, 2004

Good afternoon Madame Chair and members of the Committee.

Thank you for allowing me to testify today.

Last June, each of you voted to create the Office of the Child Advocate, and I pledge to honor your intentions by working as hard as I can to be an effective voice for New Jersey's children.

The Office of the Child Advocate is an independent agency, charged with monitoring public systems that serve children who are at risk of abuse and neglect. Our jurisdiction includes the public and private agencies within the state's child welfare system; its juvenile justice system; the public health system; schools; day care centers and mental health facilities.

We have two primary tasks. The first is to discern systemic and individual problems throughout state government with regard to the care and support of children and youth at risk of abuse and neglect.

The second task is to solve problems. As we identify systemic deficiencies, we must foster the development of solutions and champion their implementation within and across government agencies.

The Office of the Child Advocate is equipped with broad powers, including the power to investigate government agencies; the power to subpoena; the power to demand corrective action; the power to hold public hearings; the power to disclose our findings publicly; the power to sue state government; and most vitally, the power of independence.

Since beginning our work in October of 2003, we have embarked on several systemic investigations, examining the following:

1. The conditions of care for children at the Arthur Brisbane Child Treatment Center in Wall Township, which is the state's only public psychiatric hospital for youth;
2. The current practice for providing mental health assessment and treatment to children in county juvenile detention facilities, and conditions of overcrowding in some of those centers;
3. A related inquiry into the tragic suicide of Edward Sinclair at the Union County Detention Center May 10, 2003;
4. The severe malnourishment of the Jackson children in Camden County, and the role of DYFS in the lives of those children over the course of 12 years;
5. The Children's Health Initiative, which examines access barriers to enrollment in New Jersey Family Care.

We undertook these projects based on a collection of factors, including public concern and input; the harm posed to the children; our ability to draw systemic recommendations from the investigation and findings; and our statutory jurisdiction. In response to calls or letters from the public, we have also initiated intensive reviews into certain private residential facilities under contract to the

Department of Human Services. And we are providing individual advocacy in more than 30 instances where we have been contacted by a concerned adult raising issues about the welfare of a child in the care of DYFS or the JJC.

Today, I am announcing the creation of the Bureau of Citizen Complaints within the Office of the Child Advocate. The Bureau will be staffed by a team of lawyers and social workers who will respond to complaints raised by the public, and undertake both individual and systemic investigation and advocacy where appropriate. Concerned advocates for children who believe that the action or inaction of a public agency imperils the welfare of a child at risk of abuse or neglect, can contact me through the Bureau of Citizen Complaints and request that we undertake an investigation on behalf of the child.

The Bureau is equipped with a toll-free access number, 1-877-KIDSVOICE, that is presently operational 9am to 5pm on weekdays. Beginning in two weeks, the number will be operational from 9am to 8pm on weekdays. The Bureau is also reachable via our website, www.childadvocate.state.nj.us, which includes a complaint form on our Home Page. And the Bureau can also be contacted through traditional correspondence from the community to my office, whose address is also available on the website. There are, as you know, 66,000 children under the supervision of DYFS right now, thousands in juvenile detention and secure confinement, and tens of thousands eligible for FamilyCare but not yet enrolled. I do not believe my office can solve all of the problems children face in these systems, but I commit to introduce a robust public advocacy and investigation function in this state, the likes of which have not been seen since the Public Advocate.

In addition to the projects that I have mentioned, we have a statutory responsibility to monitor and evaluate the Institutional Abuse Investigation Unit in the Department of Human Services. This is the unit that investigates abuse and neglect within DYFS' own placements. Our monitoring work has two prongs presently. We monitor allegations of abuse and neglect in this system daily. On a quarterly basis, we review this data to determine which facilities have a high incidence of allegations. This analysis leads us to probe more deeply, by conducting independent reviews of these facilities and IAIU's work therein. On an annual basis, we will conduct a comprehensive quality assessment of IAIU's performance; the first such audit is scheduled to begin this summer.

We conduct in-depth reviews of DYFS' performance in connection with all fatalities and near fatalities of children who have had involvement with DYFS, particularly where the tragedy is due to suspected abuse or neglect. This work involves an exhaustive examination of state records, medical evidence and, where possible, meetings with the families to further understand their situations and involvement with DYFS. Of the children whose deaths so far this year are due to suspected abuse or neglect, our investigations of DYFS' service to Kedar Norris, Navon Collins, Samuel Allen, Ajee Anderson and Jbril Fuller should be completed this summer.

We plan through this work to diagnose systemic problems, in order to fuel continued reform. For this is a moment of unprecedented opportunity in New Jersey. On February 18, 2004, the Department of Human Services released an ambitious Child Welfare Reform Plan.

In Commissioner Davy's testimony before the Assembly Budget Committee, he indicated that the \$125 million reform plan will trigger an additional \$62 million in federal dollars. I have great concerns about the contraction of federal support for the child welfare systems in New Jersey, which I wish to bring to your attention today, even as you struggle with the question of the pending state appropriation.

As distinguished members of the New Jersey Legislature, you are being asked to make a substantial investment in child welfare reform. Of course, the case is a strong one. In 1993, New Jersey was annually investing just under \$9,000 per child in the DYFS system. Since then, there has been an erosion in state investments in the child protection system, some very harmful. Last year, the State's investment was just over \$5,300 per child. But the federal investments in our children's care are waning dramatically too. In 2000, the federal government's non-Medicaid support to DYFS' efforts on behalf of children was approximately \$3,000 per child. Last year, the number dipped to \$2,200 per child.

Examples abound of areas where New Jersey is trying to plug a funding gap, and the federal government is contracting or withdrawing its support at the very same moment. For example, the New Jersey Child Welfare Reform Plan invests \$2.5 million over the next several years to create transitional housing for youth. These are programs where youth, many of them homeless, who have no reliable family, live and learn life skills, get a job, save money and ultimately move into their own apartments. These programs are alternatives to detention, sometimes step-down options for institutionalized children, and bridges to independence for children leaving DYFS.

We need many more of these programs in New Jersey: there are twice as many beds for homeless youth on one block in New York City than in the entire State of New Jersey. The Department of Human Services appears to understand this and is expanding the continuum, but within the last two months New Jersey discovered that federal support for two programs in New Jersey (Anchor House in Trenton and the Somerset Home in Bridgewater) would be eliminated. Well, for goodness sake, we cannot grow services for children if new state investments are simply chasing after chasms left by fleeing federal aid.

Proposed cuts for children's and youth services at the federal level must be avoided, or we will find ourselves short of necessary resources in New Jersey to make reform a reality. In the proposed federal, Juvenile Justice funding has been cut by 41 percent. That is a total of \$127.4 million. (Children's Defense Fund) There are three specific programs that will be affected by this funding reduction. Those programs include the Title V Community Prevention Grants Program, the Juvenile Accountability Block Grant Program and the Delinquency Prevention Block Grant Program. (Child Welfare League of America)

These programs include juvenile delinquency prevention; resources to promote greater accountability in the juvenile justice system and reducing juvenile recidivism rates; and activities designed to prevent and reduce crime in communities which have a comprehensive juvenile crime prevention plan. Eligible recipients include our state's community-based organizations, law enforcement agencies, local education authorities, local governments, social service providers and other entities with a demonstrated history of involvement in juvenile delinquency prevention.

I implore you to involve our congressional delegation in an appeal to reverse these cuts.

We must ensure that a spirit of genuine partnership exists between New Jersey and Washington, D.C. for the benefit of our children, who stand to gain greatly if child welfare reform takes root.

The role of concerned legislators is critical. Our children need your commitment, your continued oversight and your support. Again, I would like to thank you for the opportunity to introduce you to the Office of the Child Advocate. I look forward to working with you to make New Jersey a better place for its children.

Before I leave you today, I would just like to remind you that May 10th through the 16th is Cover the Uninsured Week. Each of you should have received a letter by now asking you and your staff to participate on Wednesday May 12th as health insurance enrollment sites. I would encourage you to reach out to your constituents to let them know that they can come to your office to apply for health insurance. It is unacceptable that approximately 44 million people in the United States are uninsured. Of that 44 million, nearly 8.5 million are children, 90 percent of them from working families. By participating as an enrollment site, you will help reduce that number and you will help your uninsured constituents receive accessible and dependable medical care.

Once again, thank you for your time and I am more than happy to answer any questions that you may have.